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SUBJECT: KOSOVO: TRANSITION PLANNING MOVING AHEAD

REF: PRISTINA 643

Classified By: COM Tina Kaidanow for reason 1.4 (b) and (d)

¶1. (SBU) Summary: In the first Strategic Transition Group meeting since the August recess, SRSG Ruecker on September 20 urged a renewed focus on the transition process and reaffirmed UNMIK's support for the Ahtisaari plan as the blueprint for moving ahead on transition implementation. Progress reports were given on the efforts of the major transition working groups: Governance, Civil Administration, Security, Constitution, Economy, Legal Framework and Legislative Matters, all of which indicated that work continues steadily. Some issues remain to be resolved, including "prudent planning" on the KPC-KSF transition. COM emphasized to PISG representatives the need to focus on minority rights as the most visible and important part of Ahtisaari implementation, urging in particular swift government action to ensure all activity on construction of a supermarket at the Gazimestan Serb monument to the 1389 Battle of Kosovo ceases immediately. She also underscored the critical importance of ensuring that opposition parties are not only invited but participate in all the transition planning work, including that of the Strategic Transition Group. End Summary.

Strong Support for Ahtisaari

¶2. (SBU) In a September 20 meeting of the Strategic Transition Group chaired by SRSG Ruecker, representatives of the PISG, UNMIK, KFOR, ICO, EUPT and USOP agreed that transition work should continue based on the Ahtisaari plan. Ruecker noted the importance of the transition framework and underscored that elections, scheduled for November 17, must not affect the pace of transition planning. He urged that work on all 19 of the Ahtisaari-mandated draft laws and a draft constitution be moved forward expeditiously.

¶3. (SBU) ICO PT Head Jonas Jonsson echoed Ruecker's strong support for the Ahtisaari plan and continuing work on transition planning. He reiterated that the EU had endorsed this plan and that it remained the basis for ICO's efforts to

prepare for status and an international presence post-status.

Jonsson reminded the group that progress on all aspects of the Ahtisaari plan would send a strong, positive signal to Brussels and would help him make the case to extend his planning mission when he travels there later this week.

Progress of the Working Groups

¶4. (C) The Strategic Transition Group meeting revealed that, despite the August recess, work had been moving along steadily at the sub-working group level on several key issues:

-- The Constitution working group has ramped up its work schedule and aims to have a working draft largely completed by the end of October. (NOTE. USOP is very much at the forefront of this effort in tandem with ICO; we are currently exploring bringing a U.S. expert back to Pristina together with a Council of Europe colleague for two to three weeks at the end of October to provide support during a drafting conference that would help Kosovars produce an initial working draft, to be further refined over the following weeks. END NOTE)

-- The Economic working group has reached consensus on most issues, though some still require policy decisions related to the outcome of the status process. One of those issues is the post-status arrangement for the Kosovo Trust Agency (KTA), which under Ahtisaari would retain responsibility for privatizing socially-owned enterprises. A stakeholders' group on KTA has been established and it has delegated the drafting of legislation for the succession of KTA to a sub-working group; USOP and USAID will follow this discussion

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closely.

-- The working group on Governance will hold its first post-summer meeting next week, though several of its sub-groups have been meeting regularly to move the agenda forward. Progress has been made, in particular, on the following: a draft law on establishing a Ministry of Foreign Affairs, including budget estimates, has been approved by the government and sent to the Assembly for initial consideration; procedures for vetting of civil servants and transition of UNMIK archives (reftel) are under consideration; and the sub-group on Religious and Cultural Heritage, under the co-leadership of the ICO PT and the Deputy Minister of Culture, has moved ahead on a draft Law On Protective Zones, mandated by the Ahtisaari plan to protect Kosovo's most important Serb cultural and religious heritage sites. (Note: In the interim period before such a law is actually passed, the Kosovo government has issued an administrative instruction to Kosovo's municipalities freezing development in all 47 Special Zoning Areas (SZAs) of the Ahtisaari plan -- including in Gazimestan, just outside of Pristina, which contains the most important Serb historical monument dedicated to 1389 Battle of Kosovo. COM took the opportunity at this meeting to strongly urge the PISG to focus on Kosovo Serb rights and in particular enforcement of the development moratorium at Gazimestan.)

-- The Civil Administration working group reported that it is working on a decentralization plan that will focus not only on Ahtisaari-mandated rights for Serb-majority municipalities but seek to extend the competencies of all Kosovo municipalities in the areas of education, health, social welfare and the environment.

-- Both Legal Transition and Rule of Law (ROL) working groups reported that the bulk of their work, focusing on the means for transferring UNMIK regulations into Kosovo law, had been accomplished. The Legal Transition working group plans to take a fresh look at its proposed revisions of existing UNMIK regulations from the spring, based on new clarity on the mandates of PISG institutions.

-- Discussion on the Security WG was fairly animated, with members pressing for the Kosovo Consolidated Budget to take into account the full anticipated cost of transitioning the security sector. Concerns over political constraints on mandates were also aired, with COMKFOR stressing the need for "prudent planning" and OKPCC pushing for engagement on planning dissolution of the KPC and standing up of the Kosovo Security Force (KSF).

¶5. (C) Comment: Though there have been long-standing fears that Kosovar authorities might slacken their efforts on transition given the length of the status determination process, there is continued momentum being shown. We were pleased by the strong support for the Ahtisaari plan as a basis for future planning from both the SRSG and ICO in this meeting. Though many of the working group reports were upbeat and suggested that the large majority of work was near completion, USOP plans to stay closely engaged to ensure a high quality final product - particularly on the constitution. On security sector planning, while we understand the political constraints placed on COMKFOR by NATO HQ regarding future planning, we continue to believe that significant preparatory work on the transition to KSF needs to be done even before final status is resolved.

KAIDANOW